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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop RCE
Group Art Unit 3738
Examiner Bruce Edward Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/921,844
Gary K. Michelson
Filed: August 3, 2001
SPINAL IMPLANT SURFACE CONFIGURATION
Attorney Docket No. 101.0084-01000
Customer No. 22882
Confirmation No.: 8295

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 27

Date: June 15, 2009

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$1,920.00 to cover the \$1,110 three-month extension fee and \$810 RCE fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE), Amendment, and Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 are being facsimile transmitted to the U.S. Patent and Trademark Office on June 15, 2009.



David M. Kogan

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FORM PTO-1083

Attorney Docket No.: 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

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CONFIGURATION

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JUN 15 2009

Group Art Unit: 3738

Examiner: Bruce Edward Snow

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Final Office Action dated December 15, 2008 in the above-identified application.

No additional fee is required.

Applicant hereby requests a one-month extension of time to respond to the above office action.

An Information Disclosure Statement Under 37 C.F.R. § 1.97(b) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	97	-	127	**	0 LG=\$52 SM=\$26	\$ 52
INDEPENDENT CLAIMS FEE	2	-	3	***	0 LG=\$220 SM=\$110	\$ 220
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$390 SMALL ENTITY FEE = \$195	\$ 0
					TOTAL	\$ 0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

The total amount of \$1920.00 to cover the \$1,110 three-month extension fee and \$810 RCE fee is to be charged to Deposit Account No. 50-3726.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

By:

Amadeo F. Ferraro
Registration No. 37,129

Date: June 15, 2009

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795

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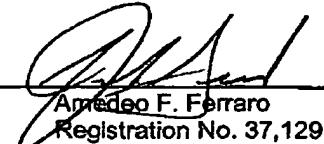
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Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP

By:


 Amadeo F. Ferraro
 Registration No. 37,129

Date: June 15, 2009

 1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
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PATENT

Attorney Docket No. 101.0084-01000
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In re Application of:) Confirmation No.: 8295
Gary K. Michelson)
Serial No.: 09/921,844) Group Art Unit: 3738
Filed: August 3, 2001) Examiner: Bruce Snow
For: SPINAL IMPLANT SURFACE)
CONFIGURATION)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) and is therefore being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

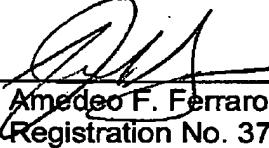
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: June 15, 2009

By: 

Amadeo F. Ferraro
Registration No. 37,129

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